

REMARKS

Applicants request reconsideration and allowance in view of the following remarks. Claims 1-9 and 13-61 are pending, with claims 1, 20, 25, 26, and 39 being independent. No new matter has been introduced.

As a preliminary matter, Applicants thank Examiner Nguyen for the courtesies extended to Applicants' representative during the telephonic interview on September 4, 2007. This response reflects the substance of the interview.

Claim 39 has been objected for a minor informality. Applicants have amended claim 39 and submit that the amendment to claim 39 addresses all of the issues raised in the Office Action. Therefore, Applicants respectfully request reconsideration and withdrawal of this objection.

Claims 1-9 and 13-57 were rejected as being anticipated by Selgas (U.S. Patent Number 6,571,290). Applicants respectfully request reconsideration and withdrawal of this rejection because Selgas fails to describe or suggest the subject matter of amended independent claims 1, 20, 25, 26, and 39, as described below.

For example, as amended, independent claim 1 recites, *inter alia*, accessing configuration history information describing performance statistics including at least one of abnormal disconnect rate, retain rate, busy rate, or signal-to-noise rate of at least one previous and no longer active network connection between the client node and the host node. Applicants submit that Selgas fails to describe or suggest at least this feature:

Specifically, Selgas describes a system that enables a user to access one of several ISPs. Col. 5, lines 50-57 and col. 8, lines 32-35. In one aspect, the system of Selgas selects an ISP for the user based on a reliability of the ISP connecting the user to the Internet. Col. 21, lines 4-8. To determine reliability, the system of Selgas generates client histogram information that keeps track of the times a connection is made on the first try, second try, etc. for each available access phone number or ISP. Col. 21, lines 41-48. Although Selgas describes keeping track of the times a connection is made on the first try, second try, etc., Selgas fails to describe or suggest accessing configuration history information describing performance statistics including at least one of abnormal disconnect rate, retain rate, busy rate, or signal-to-noise rate of at least one previous and no longer active network connection between the client node and the host node. In particular, the information tracked by the system of Selgas using the client histogram describes

the probability of the user connecting to the network the first time, col. 23, lines 19-21, rather than performance statistics including at least one of abnormal disconnect rate, retain rate, busy rate, or signal-to-noise rate. Therefore, Selgas fails to describe or suggest accessing configuration history information describing performance statistics including at least one of abnormal disconnect rate, retain rate, busy rate, or signal-to-noise rate of at least one previous and no longer active network connection between the client node and the host node, as recited in amended independent claim 1.

In addition, because Selgas fails to describe or suggest accessing configuration history information describing performance statistics including at least one of abnormal disconnect rate, retain rate, busy rate, or signal-to-noise rate of at least one previous and no longer active network connection between the client node and the host node, Selgas necessarily fails to describe or suggest using the configuration history information along with the policy information to determine whether at least one of the performance statistics including at least one of abnormal disconnect rate, retain rate, busy rate, or signal-to-noise rate of the at least one previous and no longer active network connection fails to satisfy the desired network connection performance rule and, if it is determined that the at least one of the performance statistics including at least one of abnormal disconnect rate, retain rate, busy rate, or signal-to-noise rate of the at least one previous and no longer active network connection fails to satisfy the desired network connection performance rule, modifying the at least one network configuration parameter used to establish the network connection between the client node and the host node, as also recited in amended independent claim 1.

Accordingly, for at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 and its dependent claims.

Independent claims 20, 25, 26, and 39, although different in scope from claim 1 and each other, include features similar to those discussed above with respect to claim 1. Therefore, for at least the reasons presented above with respect to claim 1, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 20, 25, 26, and 39 along with their dependent claims.

New claims 58-61 each depend directly or indirectly from independent claims 1 and 39. At least for the reason of that dependency and the reasons noted above with respect to independent claims 1 and 39, Applicants submit that claims 58-61 are allowable.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

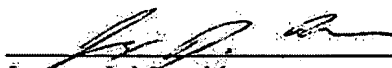
Applicants submit that all claims are in condition for allowance.

Pursuant to 37 CFR §1.136, Applicants hereby petition that the period for response to the final Office action dated April 12, 2007 be extended for two months to and including September 12, 2007.

The fee in the amount of \$1440.00 in payment of the RCE fee (\$790), the excess claim fees (\$200), and the two-month extension of time fee (\$450) is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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Jeremy J. Monaldo
Reg. No. 58,680

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331